

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IN THE MATTER OF THE SEARCH
OF THE LOCATION KNOWN AS:

606 W. Princess Street
YORK, PENNSYLVANIA

Case No. 1:23-mc-00531

UNDER SEAL

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Rebecca Witmer, being duly sworn, assert that the following information is true to the best of my knowledge, information, and belief:

INTRODUCTION AND AGENT BACKGROUND

1. I submit this affidavit in support of an application for a search warrant on the Target Residence listed and defined below. Your affiant seeks to search this location as part of an investigation into Clarence MITCHELL (herein referred to as “MITCHELL”), who is involved with robberies of businesses using violence in violation of the United States Code.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have been since November 2018. I am a graduate of the Federal Law Enforcement Training Center (FLETC) and the ATF Special Agent Basic Training Academy. I received specialized training concerning violations of the Gun Control Act within Title 18 and the National Firearms Act within Title 26, of the United States Code pursuant to firearms violations. I am a duly sworn agent who is authorized to carry firearms, execute warrants, and make arrests for offenses against the United States and to perform such other duties as authorized by law. I obtained a bachelor's degree in Criminal Justice from Temple University in Philadelphia, Pennsylvania, along with a master's degree in

Criminalistic Science from Drexel University in Philadelphia, Pennsylvania. Prior to becoming a Special Agent with the ATF, I was employed as a police officer with the Philadelphia Police Department, located in Philadelphia, Pennsylvania. I am currently assigned to the Philadelphia Field Division, Harrisburg Field Office, Harrisburg, Pennsylvania.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the search of the residence (herein referred to as the "TARGET LOCATION"), I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. The information contained in this affidavit is based upon my personal knowledge, my training and experience, and information obtained from other law enforcement officers and individuals. All conversations and statements described in this affidavit are related in substance and in part unless otherwise indicated.

THE TARGET LOCATION

4. This affidavit is in support of a search warrant for the TARGET LOCATION. Based on the facts set forth in this affidavit, there is probable cause to search for the information described in Attachment A for evidence of violations of Title 18, United States Code, Section 1951. There is also probable cause to believe that the information described in Attachment B will constitute evidence of these criminal violations. Your affiant submits that there is probable cause to believe that this location is being utilized to store a firearm(s), clothes/shoes worn during the robberies and items stolen during the robberies by MITCHELL.

5. The TARGET LOCATION is a three story, row home with red siding, concrete steps leading to the front door of the residence.

PROBABLE CAUSE

Armed Robbery of Smoke Shop (06-05-2023)

6. On June 5, 2023, at approximately 1:00 p.m., a black male wearing all black entered the Smoke Shop located at 2725 Agate Street, Harrisburg, PA (Agate Smoke Shop) and took approximately \$2,300 in cash and a pack of Newport cigarettes. Harrisburg Bureau of Police (HPD) responded to the robbery.

7. Agate Smoke Shop sells articles transported in interstate commerce, including but not limited to tobacco products and electronic vapor devices.

8. The male was wearing a black zip up hoodie, black pants, black shoes, and a black mask. He approached the cashier and asked for a pack of Newport cigarettes. While the cashier retrieved them, he put his hand into his waistband, pulled out and pointed a paper bag the cashier, as if he had a firearm inside and demanded money. The male then backed out of the front door, continuing to point the paper bag at the cashier and fled from the business.

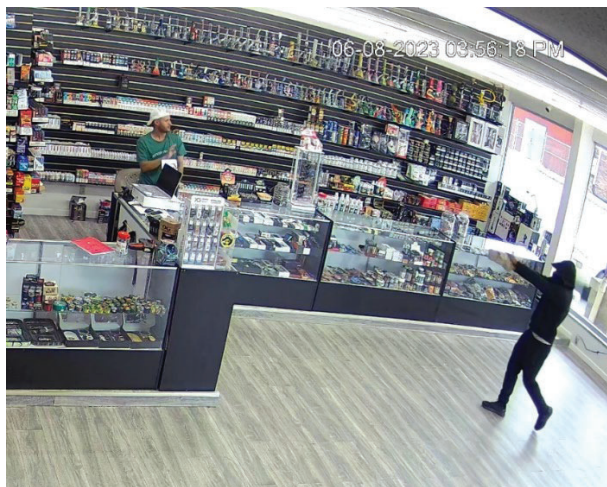


Armed Robbery of Smoke Shop (06-08-2023)

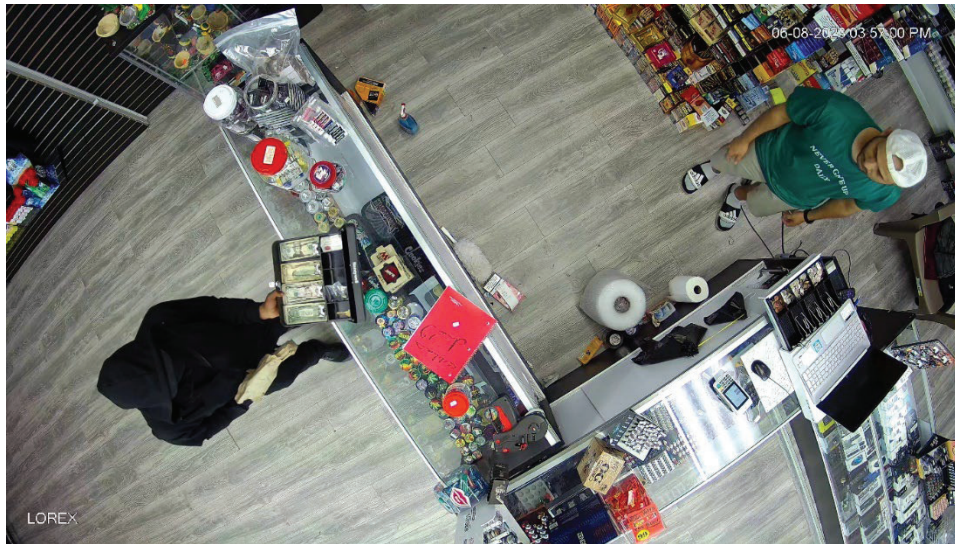
9. On June 8, 2023, at approximately 4:00 p.m., a black male wearing all black entered Agate Smoke Shop located at 2725 Agate Street, Harrisburg, PA and took approximately \$900 in cash. HPD responded to the robbery.

10. The male was wearing a black zip up hoodie, black pants, black shoes, and a black mask. He approached the cashier and pointed a brown paper bag at him and stated “I’m going to give you a chance. Give me the money or I’m gonna shoot you”.¹ The cashier pointed towards the cash register. The male used his bare hand to turn the cash register key and took the money from the register. The male also removed cash from a black money box. The male then backed out of the front door and fled from the business.

11. A fingerprint was recovered from the key on the cash box and processed by HPD. The fingerprint was a match for Clarence MITCHELL. MITCHELL is a convicted felon.



¹ Your affiant avers we should take MITCHELL at his word when he threatened to shoot the store employee. This confirms during each commercial robbery he possessed a firearm inside the paper bag. Paper bags do not expel bullets.



12. Video surveillance was collected from Agate Smoke Shop and various surrounding businesses, indicating the suspect appeared to be the same on the 5th and the 8th. On both occasions, the suspected confronted the same employee, utilizing the paper bag over his hand, wearing the same outfit.

13. On June 12, 2023, TFO Bates and I reviewed video surveillance at the Beer King, located at 609 Division Street, Harrisburg, PA. A female employee of the store recalled a male matching the description of MITCHELL entering the store and asking for a paper bag shortly before the robbery on June 8, 2023. She stated she told him they did not have paper bags there and referred him to the Dollar Tree, located nearby.

14. The store owner was able to provide TFO Bates an audio/video recording of the interaction, which showed a picture of the male's face, wearing the same outfit as the robbery suspect. The interaction occurred approximately one hour before the robbery took place.

15. The video was compared to the WebCPIN photo of MITCHELL, which appeared to indicate MITCHELL as the suspect.



16. On June 13, 2023, TFO Bates spoke with State Parole Agent Yezmin Marrero, who supervises MITCHELL. Marrero reviewed the photos of the suspect and stated it looked like MITCHELL, due to his appearance and body language.

17. Also on June 13, 2023, I and Task Force Officer (TFO) Darrin Bates spoke with the director of the Capital Pavilion, located at 2012 N. 4th Street, Harrisburg, PA, a halfway house, where MITCHELL was a resident until June 5, 2023. TFO Bates and I were provided with a resident sign in/sign out report which showed MITCHELL being discharged and leaving the facility at 11:05 a.m. on June 5, 2023.

18. TFO Bates and I were also provided a Department of Corrections Cell Phone Agreement, which was signed by MITCHELL on March 16, 2023. MITCHELL indicated he had a Samsung Galaxy A14, phone number (229) 867-8448.

19. Employees at the Capital Pavilion reviewed the photos of the suspect during the robberies and stated they have seen MITCHELL in the same outfit, describing it as his “daily uniform”.

20. SA Witmer asked the director if MITCHELL smokes cigarettes and he stated he knows MITCHELL to smoke Newport cigarettes, the same type taken by the suspect during the June 5, 2023 robbery.

21. On June 15, 2023, TFO Bates went to MITCHELL’s listed address of 632 Camp Street, Harrisburg, PA and observed MITCHELL sitting on the steps of the residence. MITCHELL was wearing black shoes, a black hat, and camouflage pants.

22. Based on my training and experience, people keep their personal belongs, including clothing, firearms, cell phones, and currency in their place of residence.

Armed Robbery of Cricket Wireless (06-14-2023)

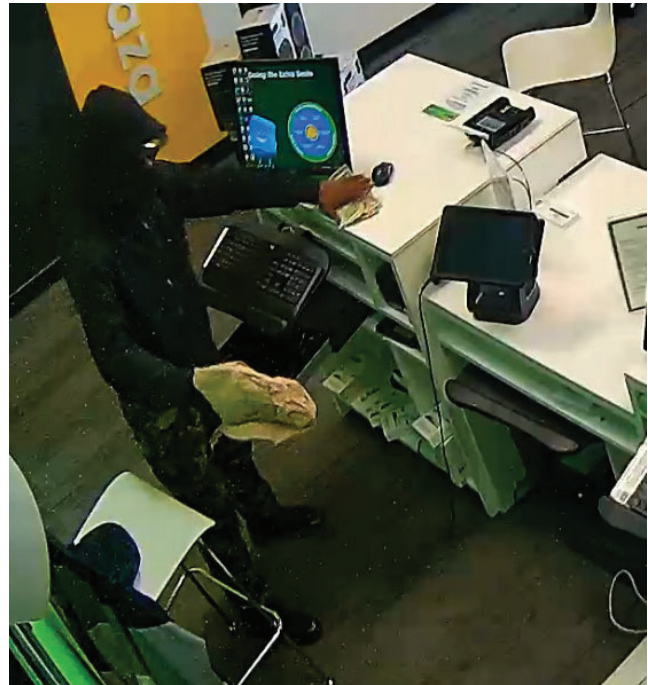
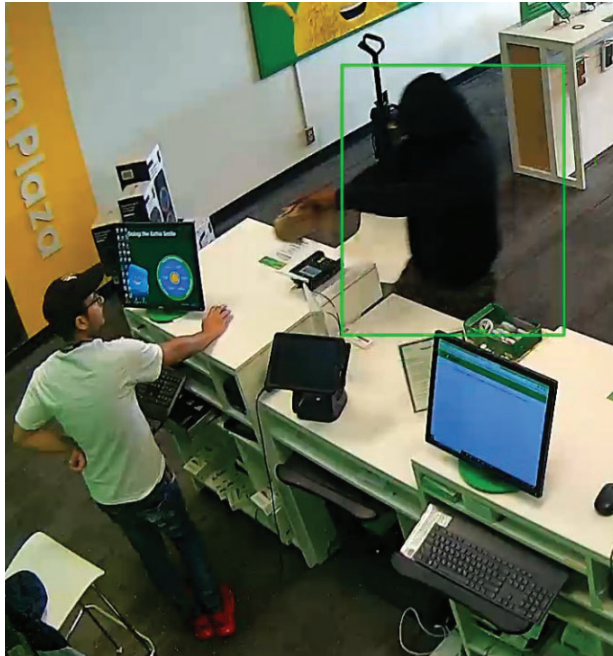
23. On June 14, 2023, at approximately 7:18 p.m., a black male, wearing a black hoodie, camouflage pants, black shoes and a black mask entered the Cricket Wireless Store located at 2917 N. 7th Street, Harrisburg, PA. HPD responded to the robbery.

24. Cricket Wireless sells articles transported in interstate commerce, including but not limited to cellular telephones and cellular telephone accessories.

25. After briefly speaking to an employee, the suspect pointed a brown paper bag at the employee, as if he had a firearm inside and demanded money. The suspect pushed the employee on the floor. The suspect took approximately \$452 and fled.

26. Video surveillance from Cricket Wireless was reviewed by SA Witmer. The audio indicated the subject had a conversation with the employee about looking for a

case for a Samsung Galaxy 14, consistent with the type of phone MITCHELL claimed he



had per his Department of Corrections

Cell Phone Agreement signed on March 16, 2023.

27. On June 15, 2023, TFO Bates again spoke to Marrero who stated that earlier that day she (Marrero) observed MITCHELL in front of the Capital Pavillion wearing the same sweatshirt and hat she observed in the robbery photos.

06-16-2023 Attempted Arrest; Information Obtained

28. On June 16, 2023, the ATF, along with county and city law enforcement, served a federal arrest warrant at 632 Camp Street, Harrisburg, PA. Once the residence was secured, it was discovered to be an illegal rooming house. The owner/landlord showed up to the residence and confirmed MITCHELL is not a tenant there. She stated mail comes to the residence with MITCHELL's name on it, but he does not and has never lived there.

29. Tenants that were home at the time of the warrant stated MITCHELL

consistently hangs out at the 632 Camp Street address and on the porch. He is friends with one of the tenants, Thomas SANCHEZ, who is also on state parole.

30. After confirming MITCHELL is not a tenant at 632 Camp Street, an additional address for MITCHELL was discovered: 606 W. Princess Street, York, PA 17401. MITCHELL submitted the York address to state parole for his home plan. It is believed that MITCHELL may be utilizing the York address to store his personal belongings.

31. Based on my training and experience, people keep their personal belongs, including clothing, firearms, cell phones, and currency in their place of residence.

32. SA Witmer contacted York Police Department and requested assistance to check 606 W. Princess Street. Officers knocked on the door but were unable to make contact with any tenants. A neighbor told officers they frequently see MITCHELL there in the evenings.

33. On June 16, 2023, the ATF, along with county and city law enforcement, served a search warrant at 606 W. Princess Street, York, PA 17401. MITCHELL was not present; however, a tenant at the 606 W. Princess Street address identified MITCHELL as a tenant and further identified MITCHELL's room as the middle central bedroom on the second floor of a three-story row home with red brick, and concrete steps leading to the white front door of the residence (the "TARGET LOCATION").

Conclusion

34. Based on the foregoing, I submit there is probable cause to believe that on June 5, 2023 and June 8, 2023, MITCHELL robbed the Smoke Shop located at 2725 Agate Street, Harrisburg, PA, in violation of Title 18, United States Code, Section 1951.

I further submit there is probable cause to believe that on June 14, 2023, MITCHELL robbed the Cricket Wireless Store located at 2917 N. 7th Street, Harrisburg, PA, in violation of Title 18, United States Code, Section 1951. I believe that MITCHELL likely perpetrated the armed robberies on June 5, 8, and 14, 2023 and further believe the TARGET LOCATION is being used to store a firearm(s), clothes worn during the robberies, and items/money stolen during the robberies by MITCHELL.

35. I respectfully submit this affidavit which supports the same probable cause for a search warrant authorizing the search of the TARGET LOCATION, further described in Attachment A to seek the items described in Attachment B for evidence of violations of Title 18, United States Code, Section 1951.